

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Ashley T. Adams

v

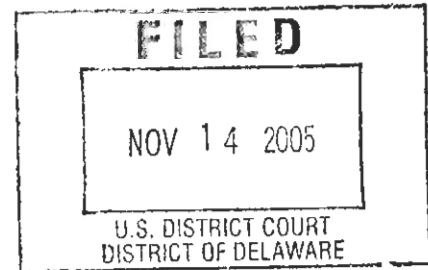
CIVIL ACTION No. 05-249-KAJ

**Integrity Staffing
aka Pepper Hamilton, LLP
Dawn Harper, et al**

**Randstad Staffing Services,
Woman of India nationality, et al**

**JP Morgan Chase Bank One,
Cheryl Denny, et al**

**Ernest & Young,
Scott Gallagher, et al**



**PLAINTIFF'S ANSWER TO DEFENDANT CHERYL DENNEY'S MOTION TO
DISMISS**

1.

On April 28, 2005, Plaintiff, Ashley T. Adams filed the instant complaint in the above-referenced matter (the "Complaint") for discrimination and hostile work environment and retaliation in violation of Title VII of the Civil Rights act of 1964.

3.

Defendant, Cheryl Denny, seeks to have all claims asserted against her dismissed with prejudice because defendant alleges there is no individual liability under Title VII. Plaintiff disagrees and supports by the following.

4.

The Third Circuit has declared that “[i]f individuals are personally involved in the [challenged] discrimination..., and if they intentionally caused the [infringement of]...Section 1981 rights, or if they authorized, directed, or participated in the alleged discriminatory conduct, they may be held liable”. Al-Khazraji v. Saint Francis College, 784 F.2d 505, 518 (3rd Cir. 1986).

5.

Cheryl Denny was a direct supervisor of the Plaintiff, Ashley T. Adams for JP Morgan Chase Bank. Denny had hiring and firing capacities in her position as a supervisor over Adams.

6.

The Defendant’s argument to the Motion to Dismiss claims against Cheryl Denny is based on “all claims asserted against Denny should be dismissed with prejudice because there is no individual liability under Title VII”. Plaintiff refers to *Sheridan v. E.I. DuPont de Nemours & Co.*, 100 F.3d 1061, 1077-78 (3d Cir.1996) (“[W]e are persuaded that Congress did not intend to hold individual employees liable under Title VII.”). Denny was not an ‘individual employee’, as she was acting as a direct supervisor and decision maker in hiring and firing of Plaintiff. Plaintiff did not bring Denny into this action as an ‘individual employee’, but as a supervisor, with decision making capabilities to hire or terminate Plaintiff’s position. Accordingly, Denny held such position and used her position to create a hostile working environment resulting in threats, uncontrollable outbursts of anger towards Plaintiff for leaving a completed document at Denny’s workstation that Denny requested, continually threatening and hostility towards Plaintiff for absolutely no reason, but to harass, threaten, and discriminate against Plaintiff, Ashley T. Adams.

7.

Denny, among other staff, created such a hostile environment, that Plaintiff feared physical harm in so much as Plaintiff was forced to leave the job site to avoid physical harm.

9.

Denny acted on retaliation against Plaintiff, Ashley T. Adams, when Plaintiff reported acts of discrimination and hostile working environment.

THEREFORE, Plaintiff asks the Court to Deny the Motion to Dismiss Defendant Cheryl Denny.

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ORDER

AND NOW, this _____ day of _____, 2005, upon consideration of Plaintiff, Ashley T. Adams' Motion to Deny Defendant's Cheryl Denny's Motion to Dismiss, it is hereby ORDERED that said motion is GRANTED and that Plaintiff's claims with respect to defendant Cheryl Denny are NOT DISMISSED in their entirety with prejudice.

BY THE COURT:

U.S. DISTRICT COURT JUDGE

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CERTIFICATE OF MAILING

On this 12th day of November, 2005, I hereby certify that I mailed copies of the attached Motion to Deny Cheryl Denny's to Dismiss to:

FOX ROTHSCHILD LLP
Neal J. Levitsky, Esquire #2092
919 North Market Street, Suite 1300
P.O. Box 2323
Wilmington, DE 19899-2323

The United States District Court of Delaware
800 N King Street
Lockbox 18
Wilmington, Delaware 19801-3570

A handwritten signature in cursive script that reads "Ashley T. Adams".

Ashley T. Adams

Ashley Adams
714 N Barrett Lane
Christiana, DE 19702

The United States District Court of Delaware
800 N King Street
Lockbox 18
Wilmington, DE 19801-3570